

REMARKS

In a Final Rejection mailed January 25, 2005, the Examiner maintained a rejection under §112, second paragraph with respect to alleged indefiniteness of the term "system." The Examiner indicated that amendment of the claims to read "A composition comprising" would remove the alleged ambiguity. In a telephone interview with Jason Bond on about March 20, 2005, the Applicants authorized and the Examiner agreed to make the suggested amendments.

On April 13, 2005, the Examiner telephoned Jason Bond and requested the following objections be addressed by amendment to put the application in condition for allowance:

- I. Figures 1C, 14A-C, 15A-C 26 and 28, lack descriptions of each of the lettered panels;
- II. Figures 16e, 20D, and 23 allegedly do not have SEQ ID NOs assigned to the sequences shown.
- III. Claims 98 and 99 lack antecedent basis for the term "said label."
- IV. The Examiner requested that Applicants make the amendment to the claims agreed upon in the telephone interview, to replace the term "system."

These issues are addressed in the order listed above:

I. The Descriptions of the drawings for each of Figures 1, 14, 15, and 28 are amended herein to provide descriptions of each of the lettered panels of these drawings. The description of the panels in Figure 28A and 28B is found in the specification, *e.g.*, at page 143 at lines 89 and lines 17-18, respectively. The description for Figure 26 is amended to clarify that the 'A' and 'B' refer to different test molecules, not to different panels in the drawing. The description of the single and double stranded test molecules are provided in the specification, *e.g.*, at page 142, lines 1-6. These amendments do not introduce new matter.

II. Figures 16e, 20D, and 23 were previously amended to contain SEQ ID NOs for the sequences shown in a Response to Notice of Noncompliance filed on July 2, 2002. As such, Applicants submit that this objection has already been adequately addressed.

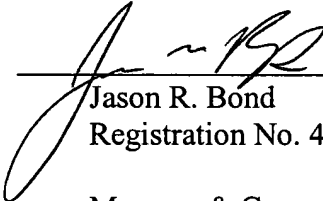
III. Claims 98 and 99 are herein amended to depend from Claim 96. Claim 96 recites a label and thus provides antecedent basis for this term.

IV. The claims herein are amended to replace the phrase "A nucleic acid analysis system" with the phrase "A composition" in accordance with the agreement reached in the telephone interview. Dependent claims are similarly amended to replace "system" with "composition."

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all outstanding issues have been addressed and that Applicants' claims should be passed to allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourages the Examiner to call the undersigned collect at (608) 218-6900.

Dated: September 17, 2004



Jason R. Bond
Registration No. 45,439

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900